

FEDERAL REGISTER

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Washington, Wednesday, May 19, 1948

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

STATE DEPARTMENT; LISTS OF POSITIONS EXCEPTED

Under authority of § 6.1 (a) of Executive Order No. 9830 subdivisions (i) and (ii) of § 6.4 (b) (7) are amended to read as set out below, effective upon publication in the FEDERAL REGISTER.

§ 6.4 *Lists of positions excepted from the competitive service.* * * *

(b) *Schedule B.* * * *

(7) *State Department.* (i) Until June 30, 1950 political, economic, financial, and other technical professional positions (not including informational positions) at the salary level \$4,149.60 and above, requiring specialized foreign relations knowledge, training, or experience with respect to a particular foreign area, foreign language, or foreign affairs problem.

(ii) Until June 30, 1950 persons formerly employed abroad in the Foreign Service for a period of at least four years for service in executive and administrative positions, or employed abroad for at least two years for professional positions, at the salary level \$4,149.60 and above.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-4498; Filed, May 18, 1948; 8:49 a. m.]

TITLE 15—COMMERCE

Chapter III—Office of Domestic Commerce, Bureau of Foreign and Domestic Commerce, Department of Commerce

[Conservation Order M-81, as Amended May 7, 1948, Amdt. 1]

PART 338—MATERIALS ORDERS

CANS

Section 338.5 *Conservation Order M-81, as amended May 7, 1948 (13 F. R.*

2531), is further amended by changing item 147 in the Schedule I table to read as follows:

(1)	(2)	(3)
147. Coffee (including soluble):		
a. Soluble coffee.....	.23	(1)
b. Coffee other than soluble:		
1. 2-lb. or larger.....	.23	(1)
2. Under 2-lb.....	(1)	(1)

(Second War Powers Act, 1942, 56 Stat. 177, as amended and extended (Pub. Laws 188 and 427, 80th Cong.), E. O. 9841, April 23, 1947, 12 F. R. 2645; Materials Control Reg. 1, as amended May 7, 1948, 13 F. R. 2508)

Issued this 18th day of May 1948.

OFFICE OF DOMESTIC
COMMERCE,
By RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 48-4498; Filed, May 18, 1948; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICE-MEN'S READJUSTMENT ACT OF 1944

REQUIREMENTS FOR CONTRACTS FOR THE EDUCATION AND TRAINING OF VETERANS IN EDUCATIONAL INSTITUTIONS

1. In Part 36, new §§ 36.287 through 36.290, inclusive, are added to read as follows:

- Sec.
36.287 Determination of fair and reasonable compensation.
- 36.288 Determination when a contract is required; Part VIII, Veterans Regulation 1 (a), as amended (Chapter 12, 38 U. S. C.), trainees.
- 36.289 Determination when a contract is required; Part VII Veterans Regulation 1 (a), as amended (Chapter 12, 38 U. S. C.), trainees.
- 36.290 Determination of the amount payable by the Veterans' Administration for a course of education and training less than 30 weeks in length.

AUTHORITY: §§ 36.287 to 36.290, inclusive, issued under 57 Stat. 43, 53 Stat. 284-301; 38 U. S. C., Sup., 693, 701.

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A limited sales stock of the 1946 Supplement (6 books) is still available at \$3.50 a book.

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§ 36.287 *Determination of fair and reasonable compensation.* The determination of fair and reasonable compensation by the manager, as in the case of courses of less than 30 weeks, or courses of 30 weeks or more in institutions other than nonprofit, will require the submission by the educational or training institution of detailed, certified financial

statements showing the most recent actual cost experience of the institution for the specific courses involved including cost data on the items of expense which will be used for the determination of fair and reasonable compensation, the basis on which teaching salaries and other expenses have been allocated to the courses involved, and the number of students enrolled and the number of clock hours or credit hours during the period covered by the cost data. In the case of new courses for which no actual cost experience is available, estimated costs may be submitted.

(a) *For nonprofit institutions when course is less than 30 weeks.* For nonprofit institutions, as defined in paragraph (6) section 101, Internal Revenue Code, fair and reasonable compensation will be based on the allowance of the following expenses within the limits designated:

(1) Actual cost of teaching and related personnel at reasonable salaries. Teaching and related personnel will include personnel essential to the teaching function such as laboratory supply room attendants and clerical personnel assisting teachers in the preparation of instructional material and records. The salaries of personnel serving both administrative and teaching functions will be prorated accordingly. The cost shown for teaching personnel will be supported by a schedule listing the name, title, annual salary rate, and will show whether employment is part- or full-time for each person included in such cost.

(2) Consumable instructional supplies.

(3) Depreciation on equipment actually used for instruction of students at Bureau of Internal Revenue rates allowed for income tax purposes.

(4) Rental at four percent per year of the original construction cost of building space used for instructional purposes when the property is owned by the institution or the actual rental cost when the space is rented by the institution.

(5) Cost of heat, light, power, water, janitor service, and building maintenance.

(6) Taxes and insurance.

(7) Actual administrative expenses which are considered reasonable and necessary in the operation of the school and are properly allocable to the courses under review. Such expenses may include salaries of administrative and clerical personnel representing reasonable compensation for services actually performed and the cost of such items as postage, telephone and telegraph, travel, interest, legal and accounting fees for actual services (not retainers), stationery and office supplies and such other similar expenses as are reasonable and necessary for the operation of the school: *Provided*, That in no case will there be included in the fair and reasonable cost determination a base salary in excess of the rate of \$10,000 per annum for an individual who has a proprietary or bonus interest in the institution. The administrative cost must be itemized and the salary items must be supported by a statement showing for each person the name, title, annual salary, percentage of time devoted to administrative and the amount of salary allocated to the cost of

the courses under review. All cases where requested administrative costs exceed 15% of subparagraphs (1) (2) (5) and (6) of this paragraph shall be forwarded to Assistant Administrator for Vocational Rehabilitation and Education, Central Office for review and approval.

(8) Expenses for advertising, sales commissions, and promotional plans will not be allowed.

(b) *For institutions other than non-profit for either courses of less than 30 weeks or courses of 30 weeks or more.* Fair and reasonable compensation for schools operated for profit will not exceed the actual or estimated costs to the institution for providing the instruction, plus an allowance for profit as indicated below. In determining the fair and reasonable compensation all expenses, except expenses for sales commissions and promotional plans, which are reasonable and necessary for the operation of the courses involved will be included in the cost statement and such expenses will be grouped into the general categories set forth below within the limits designated.

(1) Actual cost of teaching and related personnel at reasonable salaries. Teaching and related personnel will include personnel essential to the teaching function such as laboratory supply room attendants and clerical personnel assisting teachers in the preparation of instructional material and records. The salaries of personnel serving both in administrative and teaching functions will be prorated accordingly. The cost shown for teaching personnel will be supported by a schedule listing the name, title, annual salary rate, and will show whether employment is part or full time for each person included in such cost.

(2) Consumable instructional supplies.

(3) Depreciation on building and equipment actually used for instruction of students at rates allowed by the Bureau of Internal Revenue for income tax purposes.

(4) Reasonable rent.

(5) Cost of heat, light, power, water, janitor service, and building maintenance.

(6) Taxes and insurance, exclusive of income taxes.

(7) Actual administrative expenses which are considered reasonable and necessary in the operation of the school and are properly allocable to the courses under review. Such expenses may include salaries of administrative and clerical personnel representing reasonable compensation for services actually performed and the cost of such items as postage, telephone and telegraph, travel, interest, legal and accounting fees for actual services (not retainers) stationery and office supplies and such other similar expenses as are reasonable and necessary for the operation of the school: *Provided*, That in no case will there be included in the fair and reasonable cost determination a base salary in excess of the rate of \$10,000 per annum for an individual who has a proprietary or bonus interest in the institution. The administrative cost must be itemized and the salary items must be supported by a statement showing for each person the

name, title, annual salary, percentage of time devoted to administration and the amount of salary allocated to the cost of the courses under review. All cases where requested administrative costs exceed 15% of subparagraphs (1), (2), (5) and (6) of this paragraph shall be forwarded to Assistant Administrator for Vocational Rehabilitation and Education, Central Office for review and approval.

(8) Advertising expense calculated in accordance with the procedure set forth below and not to exceed the limitations prescribed herein.

(i) *Determination of amount allowable for advertising expense.* Well-established profit institutions may be permitted to include actual advertising expenses for the period covered by the cost data in determining fair and reasonable costs where the percentage of actual advertising expense in relation to gross income from resident instruction, for the period covered by the cost data does not exceed the average percentage of gross income expended by the institution for advertising over the five-year period immediately preceding June 22, 1944, as evidenced by a certified statement of the institution as to advertising expenses and gross income from resident instruction for the periods covered, and where the percentage of advertising expense in relation to gross revenue from tuition does not exceed the average percentage of advertising costs for other comparable well-established schools in the area. Where the institution has not been established for a period of five years prior to June 22, 1944, and therefore does not have a fair standard of experience with relation to advertising costs prior to the enactment of Public Law 346, 78th Congress, as amended, the institution may be permitted to include advertising expense actually incurred during the period covered by the cost review in an amount not to exceed the average percent of gross income from resident instruction which other well-established comparable schools in the area have expended for advertising for the five year period immediately prior to June 22, 1944. If there are no other comparable schools in the area and if the institution does not have a five-year experience prior to June 22, 1944, the schools may be authorized to include actual advertising costs at a rate shown by their experience but not in an amount to exceed 8 percent of the total gross income from resident instruction for the period covered by the cost review without prior approval of Central Office. Where there are no other comparable well-established schools in the area and the actual advertising expense of the institution exceed 8 percent of gross income from resident instruction, more than 8 percent may not be included in the fair and reasonable cost determination unless all facts are submitted to the Assistant Administrator for Vocational Rehabilitation and Education and approval is granted for the inclusion of advertising costs in excess of 8 percent. In no event will a newly established school, without actual cost experience for advertising expense, be permitted to include in a fair and reasonable cost statement, advertising ex-

pense in excess of 8 percent of gross income from tuition for resident instruction.

(ii) *Definition.* The term "advertising expense" as used herein includes the expenses incurred in the operation of an advertising department within the contractor's organization, as well as expenses incurred in the use of advertising media, such as newspapers, magazines, radios, brochures, pamphlets, bulletins and catalogs. Promotional activities involving gifts, scholarships, contests, prizes and sales commissions are not permitted to be included as allowable advertising expenses.

(9) Profit not to exceed 10% of the amount customarily charged to non-veteran students for the course. For example, if the customary charge for the course is \$200 and the amounts listed in subparagraphs (1) through (8), inclusive, of this paragraph, divided by the total number of students equals \$170, there will be added to the \$170 a profit allowance of \$20 (10% of \$200) making a total maximum rate of \$190, which can be determined to be fair and reasonable. If no non-veteran students are enrolled and there is therefore no real customary charge actually being paid by non-veteran students, the profit allowance will be determined as one-ninth ($\frac{1}{9}$) of the total allowable costs included in subparagraphs (1) through (8), inclusive, of this paragraph.

(10) Expenses for sales commissions and promotional plans will not be allowed.

(c) *When the manager has completed his analysis of the cost data.* When the manager has completed his analysis of the cost data, he will determine on the basis of the total number of all students trained and cost of the items listed herein, after reflecting known changes in costs, whether the customary charges of the educational or training institution are fair and reasonable. In making this determination the manager will give consideration to the fact that it is not fair and reasonable for the Veterans' Administration to pay a charge based on the full cost of operating an educational institution under abnormal situations, such as periods when enrollments in the institution are far below the normal capacity and expectancy of the institution, or where operating costs are greatly in excess of normal operating costs for other comparable institutions in the same general locality. Contracts, when required, will be negotiated to provide payment not to exceed the amounts determined by the manager to be fair and reasonable as provided herein.

(d) *Books, supplies and equipment.* Books, supplies and equipment required to be owned personally by other students pursuing the same course will be furnished by the institution to veterans, and the institution will be compensated therefor on the basis of customary charges in addition to "fair and reasonable compensation" as defined above.

§ 36.288 *Determination when a contract is required; Part VIII, Veterans Regulations 1 (a), as amended (Chapter 12, 38 U. S. C.) trainees.* It will be necessary for a contract to be negotiated by the Veterans' Administration before pay-

ments for tuition, fees, books, supplies, equipment and other necessary expenses are made to the institution for the training of Part VIII trainees under the following circumstances:

(a) *Nonprofit institutions.* (1) Courses of 30 weeks or more:

(i) When the institution elects and is permitted to receive payment of other than customary tuition, on the credit hour rate based on the cost of teaching personnel and supplies for instruction.

(ii) Contracts will be made effective with the beginning of the first term, semester or quarter subsequent to the date the institution submits a formal request for payment of adjusted tuition on the credit hour rate based on the cost of teaching personnel and supplies for instruction, provided such request is approved by the Veterans' Administration.

(2) Courses of less than 30 weeks:

(i) A contract must be negotiated with a nonprofit institution in all cases where the customary charges exceed the rate of \$500 for a full time course for an ordinary school year. Where the customary charges for such courses have not been increased subsequent to June 22, 1944 in what appears to be an unreasonable amount for the services rendered, the manager may contract to pay such customary charges without the submission of cost data. In all other cases contract rates must not exceed the rates determined to be fair and reasonable in accordance with the provisions of § 36.287.

(b) *Other than nonprofit institutions.* (Courses of 30 weeks or more and courses of less than 30 weeks)

(1) Contracts will be required when the customary charges exceed the rate of \$500 for a full time course for an ordinary school year. In the negotiation of such a contract, it will be necessary for the school to submit cost data. Agreed contract rates will not exceed rates determined by the Veterans' Administration to be fair and reasonable in accordance with the provisions of § 36.287.

(2) Effective July 1, 1948, contracts will be required when the customary charges do not exceed the rate of \$500 for a full time course for an ordinary school year where a majority of the enrollment of the institution consists of veterans in training under Public Laws 16 and 346, as amended, and where one of the following conditions prevails:

The institution has been established subsequent to June 22, 1944.

The institution, although established prior to June 22, 1944, has increased its charges to all students subsequent to that date to an amount which, in the judgment of the manager, appears to be an unreasonable amount for the services rendered. In general, an increase of less than 25% will not be considered unreasonable. However, if, in the judgment of the manager, an increase of less than 25% in the case of any institution is considered to be unreasonable, the manager may submit a full report of the

facts to the Assistant Administrator for Vocational Rehabilitation and Education through the appropriate branch office and request a ruling as to whether or not a cost determination should be made.

In the negotiation of contracts as required in this subparagraph, it will be necessary for the school to submit cost data. Agreed contract rates will not exceed rates determined by the Veterans' Administration to be fair and reasonable in accordance with the provisions of § 36.287.

(3) Contracts will not be required when the customary charges of an institution do not exceed the rate of \$500 for a full time course for an ordinary school year provided any one of the following conditions prevails:

(i) When the customary charges of an institution established prior to June 22, 1944, do not exceed the rate of \$500 for a full time course for an ordinary school year and the institution has not increased its charges subsequent to June 22, 1944, to an amount which, in the judgment of the manager, appears to be unreasonable for the services rendered.

(ii) Where the majority of the enrollment of the institution consists of students not in training under Public Laws 16 and 346, as amended.

(iii) Where an institution which was established prior to June 22, 1944 and has been in continuous operation since that date and has not increased its charges to students, veterans and non-veterans alike, to an amount in excess of the charges customarily made by the institution for the same or similar courses prior to June 22, 1944.

(4) Payments of customary charges will be made to institutions within the provisions of subparagraphs (3) (i) (ii) and (iii) of this paragraph without requirement of either a cost determination or a contract. In all such cases, the Training Facilities Section will notify the Finance Officer in writing of the customary charges that are authorized to be paid without a contract.

(5) Each institution affected will be notified in writing of these provisions not less than 30 days prior to the date a contract is required. In any case in which a contract is required under Veterans' Administration regulations for the education and training of veterans, no payments whatsoever will be made to an institution until a written agreement or contract between the Veterans' Administration and the institution has been completed.

(6) An institution may request cancellation of its contract and negotiation of a contract for the fiscal year beginning July 1, 1948, under the provisions of this section, effective on same date provided all of the following conditions exist:

The contract was negotiated under authority of the Administrator's telegram of September 30, 1947, prior to July 1,

1948, but extending into the fiscal year 1949.

The request for reconsideration is made in writing to the manager of the appropriate Veterans' Administration regional office not later than July 1, 1948. If the manager determines that the institution is suffering a serious financial hardship, or is handicapped in giving the type of training desired, because of the rate agreed upon under the formula prescribed prior to July 1, 1948, the manager is authorized to permit termination of the contract and to negotiate a new contract on the basis of the revised formula set forth in § 36.287.

§ 36.289 *Determination when a contract is required, Part VII, Veterans Regulation 1 (a), as amended (Chapter 12, 38 U. S. C.), trainees.* Contracts are required before payment of charges can be made to educational institutions for the rehabilitation of eligible veterans. The provisions of § 36.288 relative to contracts with other than nonprofit institutions are equally applicable to contracts for the rehabilitation of Part VII trainees.

§ 36.290 *Determination of the amount payable by the Veterans' Administration for a course of education and training less than 30 weeks in length.* (a) The amount payable by the Veterans' Administration for a course of less than 30 weeks will not:

(1) Exceed the customary charge.

(2) Exceed \$500 total.

(b) The amount payable by the Veterans' Administration for a course of less than 30 weeks will be based on one of the following applicable conditions:

(1) Customary charge if it has been found to be fair and reasonable in accordance with the provisions of § 36.288.

(2) A fair and reasonable charge where the customary charges are determined not to be fair and reasonable.

(c) If the charges under paragraph (b) (1) or (2) of this paragraph exceed \$500 total, the veteran must pay the excess over \$500 to the institution, since the Veterans' Administration's payment is limited by law to a maximum of \$500.

(d) If the charge under paragraph (b) (1) or (2) of this paragraph exceeds the rate of \$500 (but not a total of \$500) the veteran must elect to have his entitlement charged at an accelerated rate or to pay the excess to the institution.

(e) Charges for books, supplies, and equipment to be furnished to the trainee by the institution must be included in or added to the customary charge for purpose of determining whether the total customary charge exceeds the total of \$500 or the rate of \$500 for a full time course for an ordinary school year.

This regulation becomes effective July 1, 1948.

[SEAL]

CARL R. GRAY, Jr.,

Administrator of Veterans' Affairs.

[F. R. Doc. 48-4495; Filed, May 18, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

146 CFR, Part 101

[CGFR 48-29]

MASTER, MATE, PILOT, OR ENGINEER OF
VESSELS OPERATING IN HAWAIIAN
WATERS

NOTICE OF PROPOSED CHANGES IN REGU- LATIONS; PUBLIC HEARING

1. Notice is hereby given that the United States Coast Guard is considering amendments to 46 CFR 10.05-11, which will have the effect of placing applicants for licenses as master or mate of vessels navigating exclusively in the Coast Guard district covering the Hawaiian Islands in the same category as applicants for licenses for other ocean or coastwise waters; and to 46 CFR 10.10-25, which will have the effect of placing applicants for licenses as engineer of seagoing vessels propelled by internal combustion engines navigating exclusively in the Coast Guard district covering the Hawaiian Islands in the same category as applicants for licenses of motor vessels which are not restricted as to waters. This notice is made pursuant to the authority contained in R. S. 4405, 4417a, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, sec. 2, 29 Stat. 188, 49 Stat. 1544, sec. 5 (e) 55 Stat. 244 and 60 Stat. 238, as amended, (5 U. S. C. 1001, et seq., 46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 367, 375, 391a, 404, 405, 50 U. S. C. 1275) and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

2. A public hearing will be held on June 15, 1948, in Room 201, Federal Building, Honolulu, Territory of Hawaii, at 1:30 p. m., to consider all the comments, data, and views of persons having an interest in the professional requirements of masters, mates, pilots, or engineers of vessels operating exclusively in Hawaiian waters. All persons who desire to submit written comments, data, and views prior to the hearing for consideration in connection with the proposed regulations shall file the same in duplicate with and for receipt prior to June 15, 1948, by the Commander, 14th Coast Guard District, Post Office Box 4010, Honolulu, T. H. All matters presented orally or in writing at the public hearing or in writing before the hearing will be given due consideration.

3. The proposed amendment to present § 10.05-11 will cancel paragraph (g) and revise the heading and paragraph (a) to read as follows:

§ 10.05-11 *Master mate, or pilot of steam or motor vessels operating under special conditions.* (a) This section shall apply to every applicant for a license as master, mate, or pilot, of steam pilot boats or seagoing motor pilot boats of 300 gross tons or over; or of steam vessels navigating the waters of the whaling grounds in the Alaskan seas; or of steam

vessels engaged exclusively in the business of whale fishing; or of steam vessels engaged in the Atlantic, Pacific, or Gulf coast fisheries; or of steam or sail vessels or seagoing motor vessels of 300 gross tons or over, navigating exclusively in Puerto Rican waters.

4. Comment: This amendment to § 10.05-11 revises paragraph (a) and deletes paragraph (g) of the present regulation. The text of paragraphs (b) to (f), inclusive, will remain in effect without any changes. The proposed amendment has the effect of placing every applicant for license as master or mate of vessels navigating between ports of the Hawaiian Islands in the same category as every applicant for license as master or mate of vessels navigating other ocean or coastwise waters. This will require each applicant in Hawaii to pass a written examination and in the case of an original examination he must present a certificate from the United States Public Health Service attesting to competence in ship sanitation and first aid. In addition each applicant will have to obtain the minimum sea service required for the type of license desired which may or may not be more than is presently required under the existing provisions in § 10.05-11. These changes will not affect the continuing validity of licenses issued prior to the effective date of the amendments, which authorize the holders to operate motor or steam vessels navigating between ports of the Hawaiian Islands.

5. The proposed amendment to take the place of the present § 10.10-25 reads as follows:

§ 10.10-25 *Engineers of motor vessels operating in Puerto Rican waters.* (a) An applicant for an engineer's license of seagoing vessels propelled by internal combustion engines navigating exclusively in Puerto Rican waters shall submit with his application statements duly executed and certified by reputable citizens qualified to judge the character and ability of the applicant. The Officer in Charge, Marine Inspection, shall make a diligent inquiry as to the applicant's character and merits and, if satisfied by the oral examination or practical demonstration, and the proof of requisite knowledge and skill offered, the Officer in Charge, Marine Inspection, shall issue the license. No certificate from the United States Public Health Service based upon the subject of ship sanitation and first aid shall be required of such applicant.

(b) An applicant for an engineer's license of motor vessels operating exclusively in Puerto Rican waters shall present evidence of a minimum of 3 years' service on such vessels.

6. Comment This amendment to § 10.10-25 will have the effect of placing every applicant for license as engineer of seagoing vessels propelled by internal combustion engines navigating exclu-

sively in the Coast Guard district covering the Hawaiian Islands in the same category as every applicant for license as engineer of motor vessels which are not restricted as to waters. This will require each applicant in Hawaii to pass a written examination and in the case of an original license he must present a certificate from the United States Public Health Service attesting to competence in ship sanitation and first aid. In addition each applicant will have to meet the minimum sea service required for the type of license desired which may or may not be more than is presently required under the provisions of the existing § 10.10-25. These changes will not affect the continuing validity of licenses issued prior to the effective date of the amendments, which authorize the holders to act as engineers on motor vessels navigating exclusively in Hawaiian waters.

Dated: May 14, 1948.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Dec. 48-4497; Filed, May 18, 1948;
8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

17 CFR, Part 9621

FRESH PEACHES GROWN IN GEORGIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES AND FIX- ING OF RATE OF ASSESSMENT FOR 1948-49 SEASON

Consideration is being given to the following proposals, submitted by the Industry Committee, established under the marketing agreement and Order No. 62 (7 CFR, Cum. Supp., 962.1 et seq.) regulating the handling of fresh peaches grown in the State of Georgia, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed \$17,415.00 will necessarily be incurred during the fiscal period beginning March 1, 1948, and ending on the last day of February 1949, both dates inclusive, in order to enable the committee to perform its functions in accordance with the provisions of the aforesaid marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles peaches shall pay in accordance with the provisions of the aforesaid marketing agreement and order during the aforesaid fiscal period, the rate of assessment of \$0.015 per bushel basket of peaches (net weight 50 pounds) or its equivalent of peaches in other containers or in bulk, shipped by him as the first handler thereof during said fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall mail the same to the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., not later than midnight of the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents shall be submitted in quadruplicate.

As used herein, "handler," "shipped," "peaches," and "fiscal period" shall have the same meaning as is given to each such term in the said marketing agreement and order.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq.)

Issued this 13th day of May 1948.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-4484; Filed, May 18, 1948;
8:46 a. m.]

FEDERAL POWER COMMISSION

[18 CFR, Parts 153, 154, 155, 250]

[Docket No. R-107]

FORM, COMPOSITION, FILING AND POSTING
OF RATE SCHEDULES AND TARIFFS FOR
TRANSPORTATION OR SALE OF NATURAL
GAS

NOTICE OF EXTENSION OF TIME FOR FILING
COMMENTS

MAY-13, 1948.

Amendment of regulations and approved forms under the Natural Gas Act, to prescribe revised rules governing form, composition, filing and posting of rate schedules and tariffs for the transportation or sale of natural gas subject to the jurisdiction of the Commission.

1. On April 16, 1948, there was published in the FEDERAL REGISTER notice of proposed rule making in the above-entitled matter (13 F.R. 2045-2050) where-

in it was provided that any interested persons might submit to the Federal Power Commission not later than May 14, 1948, data, views and comments in writing concerning the proposed amendments.

2. Additional time having been requested, notice is hereby given that an extension of time to and including June 14, 1948, is hereby granted within which interested persons may submit to the Federal Power Commission, Washington 25, D. C., data, views and comments in writing concerning the proposed amendments in the above-entitled matter. The Commission will consider these written submittals before acting on the proposed amendments.

By direction of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-4485; Filed, May 18, 1948;
8:46 a. m.]

NOTICES

POST OFFICE DEPARTMENT

INTERNATIONAL MAILS

SUSPENSION OF AIR MAIL SERVICE TO PALESTINE

It is necessary, effective at once, to suspend the air mail service to Palestine. Therefore, until further notice, no mail service of any kind is available to Palestine.

Air mails now en route to Palestine will be returned to the senders in due course.

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-4478; Filed, May 18, 1948;
8:45 a. m.]

FEDERAL POWER COMMISSION

[Project No. 637]

WASHINGTON WATER POWER CO.

NOTICE OF ORDER MODIFYING INITIAL DECISION OF EXAMINER

MAY 14, 1948.

Notice is hereby given that, on May 13, 1948, the Federal Power Commission issued its order entered May 11, 1948, in the above-designated matter modifying the Initial Decision of the Presiding Examiner, effective as of the date of issuance of this order.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-4492; Filed, May 18, 1948;
8:47 a. m.]

[Docket No. E-6136]

FLORIDA PUBLIC UTILITIES CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF BONDS

MAY 14, 1948.

Notice is hereby given that, on May 12, 1948, the Federal Power Commission is-

sued its order entered May 12, 1948, authorizing and approving issuance of bonds in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-4490; Filed, May 18, 1948;
8:47 a. m.]

[Docket No. E-6141]

NORTON POWER & ELECTRIC CO. AND ATTLEBORO STEAM AND ELECTRIC CO.

NOTICE OF APPLICATION

MAY 13, 1948.

Notice is hereby given that on May 13, 1948, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Norton Power & Electric Company (hereinafter called "Norton") and Attleboro Steam and Electric Company (hereinafter called "Attleboro") corporations organized under the laws of the State of Massachusetts and doing business in said State with their principal business offices at Attleboro, Massachusetts, seeking an order authorizing the merger of Norton into and with Attleboro. Attleboro proposes to issue 4,420 additional shares of its capital stock of an aggregate par value of \$110,500 in substitution for the present outstanding shares of Norton. Following the merger Attleboro proposes a further increase in its capital stock by the issue of 10,000 shares of additional capital stock of the par value of \$25 each for the purpose of paying indebtedness incurred for extensions, enlargements and additions to plant and property all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application, should, on or before the 2d day of June 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with

the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-4489; Filed, May 18, 1948;
8:47 a. m.]

[Docket No. G-1030]

PHILADELPHIA ELECTRIC CO.

ORDER AMENDING ORDER FIXING DATE OF HEARING

On May 11, 1948, the Commission adopted an order fixing the date of May 25, 1948, at 9:45 a. m., for hearing of the application filed on April 7, 1948, by Philadelphia Electric Company (applicant) a Pennsylvania corporation with its principal place of business at Philadelphia, Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protests or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 23, 1948 (13 F. R. 2205)

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction

conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 25, 1948, at 9:45 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 14, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-4493; Filed, May 18, 1948;
8:48 a. m.]

[Docket No. G-1032]

DELAWARE POWER & LIGHT CO.

ORDER AMENDING ORDER FIXING DATE OF
HEARING

On May 11, 1948, the Commission adopted an order fixing the date of May 25, 1948, at 9:30 a. m., for hearing of the application filed on April 9, 1948, by Delaware Power & Light Company (applicant) a Delaware corporation with its principal place of business at Wilmington, Delaware, for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protests or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 24, 1948 (13 F. R. 2239).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 25, 1948, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters

involved and the issues presented by such application; *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 14, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-4494; Filed, May 18, 1948;
8:48 a. m.]

[Docket No. ID-1095]

CHARLES H. TENNEY, II

NOTICE OF AUTHORIZATION PURSUANT TO
SECTION 305 (B) OF THE FEDERAL POWER
ACT

MAY 14, 1948.

Notice is hereby given that, on May 13, 1948, the Federal Power Commission issued its order entered May 11, 1948, in the above-designated matter, authorizing Charles H. Tenney, II to hold certain positions in the Fitchburg Gas and Electric Light Company and Rockland Light and Power Company, pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-4491; Filed, May 18, 1948;
8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 790, Special Directive 32A]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTIVE TO VACATE ORDER TO FURNISH
CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 32 under Service Order No. 790, be, and it is hereby vacated effective 12:01 a. m., May 13, 1948.

A copy of this special directive shall be served upon The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 12th day of May A. D. 1948.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-4486; Filed, May 18, 1948;
8:47 a. m.]

[S. O. 790, Special Directive 43A]

PENNSYLVANIA RAILROAD CO.

DIRECTIVE TO VACATE ORDER TO FURNISH
CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 43 under Service Order No. 790, be, and it is hereby vacated effective 12:01 a. m., May 13, 1948.

A copy of this special directive shall be served upon The Pennsylvania Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 12th day of May A. D. 1948.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-4487; Filed, May 18, 1948;
8:47 a. m.]

[S. O. 790, Special Directive 45A]

NORFOLK AND WESTERN RAILWAY CO.

DIRECTIVE TO VACATE ORDER TO FURNISH CARS
FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 46 under Service Order No. 790, be, and it is hereby vacated effective 12:01 a. m., May 13, 1948.

A copy of this special directive shall be served upon the Norfolk and Western Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 12th day of May A. D. 1948.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-4483; Filed, May 18, 1948;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1033]

KAISER-FRAZER CORP.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of May A. D. 1948.

The Philadelphia Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the common stock, \$1.00 par value, of Kaiser-Frazer Corporation, Willow Run, Michigan.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Detroit Stock Exchange, Los Angeles Stock Exchange, New York Curb Exchange, and San Francisco Stock Exchange; that the geographical area deemed to constitute the vicinity of the Philadelphia Stock Exchange is eastern Pennsylvania, southern New Jersey, and northern Delaware; that out of a total of 4,750,000 shares outstanding, 217,165 shares are owned by 2,676 shareholders in the vicinity of the Philadelphia Stock Exchange; and that in the vicinity of the Philadelphia Stock Exchange there were 1,081 transactions involving 121,348 shares from November 1, 1946 to October 31, 1947.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly, it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Philadelphia Stock Exchange for permission to extend unlisted trading privileges to the common stock, \$1.00 par value, of Kaiser-Frazer Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-4480; Filed, May 18, 1948;
8:45 a. m.]

[File Nos. 54-25, 59-11, 59-17]

UNITED LIGHT AND RAILWAYS CO. ET AL.

ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of May A. D. 1948.

In the matter of The United Light and Railways Co., American Light & Traction Co., et al., File Nos. 59-11, 59-17, 54-25.

The Commission by order entered April 12, 1948, having approved the sale, subject to the competitive bidding requirements of Rule U-50, by American Light & Traction Company ("American Light"), a registered holding company, of 450,000 shares of the common stock of The Detroit Edison Company ("Detroit Edison")

as a step in the consummation of a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by American Light and its parent, United Light and Railways Company, a registered holding company, and heretofore approved by order entered December 30, 1947, which plan provides, among other things, that American Light will dispose of its holdings of the common stock of Detroit Edison during 1948 and will apply for permission to sell such shares of Detroit Edison as may be required in connection with its investment in the common stock of its subsidiary, Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin") and

The Commission by order entered April 21, 1948, having approved the results of the said sale at competitive bidding by American Light of 450,000 shares of common stock of Detroit Edison and having in said order reserved jurisdiction over the use of the proceeds from said sale amounting to \$8,878,500; and

American Light having requested the Commission to release jurisdiction over said proceeds, and having represented that said proceeds will be used to meet construction requirements of Michigan-Wisconsin in accordance with the terms of said plan;

It is ordered, That the jurisdiction heretofore reserved by the Commission in its order of April 21, 1948, over the use of the proceeds received by American Light from the sale of 450,000 shares of common stock of Detroit Edison be, and it hereby is, released.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-4481; Filed, May 18, 1948;
8:45 a. m.]

[File No. 70-1787]

SOUTHERN NATURAL GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of May A. D. 1948.

Notice is hereby given that Southern Natural Gas Company ("Southern") a registered holding company which is also engaged in the business of transporting natural gas, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") The applicant-declarant designates sections 6 (a) 7 and 12 (c) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized below.

Southern proposes to issue and sell, at competitive bidding pursuant to the requirements of Rule U-50, \$28,000,000 principal amount of its First Mortgage Pipe Line Sinking Fund Bonds, ___% Series due 1968 and to issue \$11,550,000 principal amount of its 2½% Serial

Notes, due November 1, 1948 to May 1, 1956, in exchange for a like principal amount of its presently outstanding 2% Serial Notes having the same maturities.

The filing indicates that the net proceeds from the sale of the proposed bonds will be used by Southern to prepay the \$5,000,000 principal amount of its 1¾% Notes due September 17, 1949 and the \$9,000,000 principal amount of its 2¾% Notes due May 1, 1956 and to defray part of the cost of Southern's construction program.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration and that said application-declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said application-declaration, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on May 25, 1948, at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 2d Street NW., Washington 25, D. C., in such room as may be designated on that day by the hearing room clerk in Room 101. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before May 24, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of said application-declaration and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed issuance and sale of securities by Southern meet the applicable requirements and standards of the act.

2. Whether the terms and conditions of the proposed issue and sale of bonds and notes, and particularly the terms and provisions of the bond indenture and the note agreement, are detrimental to the public interest or the interest of investors and consumers.

3. Whether the proposed bonds and notes are reasonably adapted to the security structure and the earning power of Southern.

4. Whether financing by the issue and sale of the particular securities proposed is necessary or appropriate to the economical and efficient operation of Southern's business.

5. Whether the accounting entries proposed to be recorded in connection

with the transactions are proper and in conformity with sound accounting principles.

6. Whether the fees, commissions or other remunerations to be paid by Southern in connection with the proposed transactions are for necessary services and are reasonable in amount.

7. Generally, whether the proposed transactions comply with all of the applicable provisions and requirements of the act and rules and regulations thereunder, and whether it is necessary or appropriate in the public interest or for the protection of investors and consumers, or to prevent the circumvention of any provisions of the act or rules and regulations thereunder, to impose terms and conditions in connection with any of the proposed transactions.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve copies of this order by registered mail on Southern and the Federal Power Commission, and that notice of said hearing shall be given to all other persons by publication of this order in the FEDERAL REGISTER and by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-4479; Filed, May 18, 1948;
8:45 a. m.]

[File No. 70-1796]

WEST TEXAS UTILITIES CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of May A. D. 1948.

West Texas Utilities Company ("West Texas") a public utility subsidiary of Central and South West Corporation, a registered holding company having filed a declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder regarding the issue and sale by West Texas, in accordance with the competitive bidding requirements of Rule U-50, of \$5,000,000 principal amount of First Mortgage Bonds, --% Series B, due 1978; and

The Commission having, by order dated May 5, 1948, permitted the declaration, as amended, to become effective subject to the condition, among others, that the proposed issue and sale of the said bonds by West Texas shall not be consummated until the results of the competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and con-

ditions as may then be deemed appropriate, jurisdiction being reserved for this purpose; and

West Texas having filed a further amendment herein stating that the said bonds have been offered for sale pursuant to the competitive bidding requirements of Rule U-50 and the following bids have been received:

Name of bidder	Price to company (percent of principal amount) ¹	Interest rate	Cost to company
Hemphill, Noyes & Co. and Drexel & Co.	100.19	3	2.6305
First Boston Corp. and Harris, Hall & Co. (Inc.)	100.15	3	2.6225
Kidder Peabody & Co.	100.031	3	2.6254
W. C. Langley & Co.	100.017	3	2.6270
Union Securities Corp. and White, Weld & Co.	102.023	3½	3.6010
Equitable Securities Corp.	102.023	3½	3.6050
Halsey, Stuart & Co., Inc.	102.31	3½	3.6070
Harriman Ripley & Co.	102.27	3½	3.610
Lehman Bros.	102.1442	3½	3.616
Glore, Forgan & Co.	102.033	3½	3.6273
Merrill Lynch, Pierce, Fenner & Bean	102.019	3½	3.6221

¹ Plus accrued interest from Mar. 1, 1948.

The amendment further stating that West Texas has accepted the bid of Hemphill, Noyes & Co., and Drexel & Co., for the first mortgage bonds as set forth above, and that the said bonds will be offered for sale to the public at a price of 100.70% of principal amount thereof plus accrued interest, resulting in an underwriting spread of 0.51% of the principal amount of the bonds; and

The Commission having examined said amendment and having considered the record herein and finding that the applicable standards of the act and the rules and regulations thereunder have been complied with, and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds, or the underwriter's spread and the allocation thereof;

It is hereby ordered, That jurisdiction heretofore reserved in connection with the issue and sale of said first mortgage bonds be and the same hereby is, released, and the said declaration, as further amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-4482; Filed, May 18, 1948;
8:46 a. m.]

[File No. 70-1816]

PENNSYLVANIA POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of May 1948.

Pennsylvania Power Company ("Pennsylvania") a public utility subsidiary of Ohio Edison Company, a registered hold-

ing company and a public utility subsidiary of The Commonwealth & Southern Corporation, also a registered holding company, having filed an application with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transactions:

Pennsylvania proposes to issue and sell privately to institutional investors for cash, at 99½% of the principal amount plus accrued interest to date of delivery, \$1,000,000 principal amount of its First Mortgage Bonds, 3% series, due 1978. The bonds are to be dated as of May 1, 1948, and will be issued under and secured by Pennsylvania's present indenture, dated as of November 1, 1945, as supplemented by an indenture to be dated as of May 1, 1948. The proceeds of the sale from the new bonds will be used to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and additions to its property or to reimburse its Treasury in part for expenditures made for such purposes.

Said application having been filed on April 14, 1948, and notice of filing having been duly given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The proposed issuance and sale of said bonds by Pennsylvania having been expressly authorized by the Pennsylvania Public Utility Commission, the State Commission of the State in which Pennsylvania is organized and doing business; and

Applicant having requested that the Commission's order granting its application become effective forthwith upon issuance; and

The Commission finding with respect to said application that the requirements of section 6 (b) are satisfied and that there is no basis for imposing terms and conditions, other than those specified in Rule U-24, and deeming it appropriate in the public interest and in the interests of investors and consumers to grant said application forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-4483; Filed, May 18, 1948;
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 59, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9723, Oct. 14, 1946, 11 F. R. 11981. Q

[Vesting Order 11120]

MATILDA GUTHEIM

In re: Debt owing to Matilda Gutheim. F-28-28052-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matilda Gutheim, whose last known address is 8 Speldorferstrasse, Dusseldorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: All those debts or other obligations owing to Matilda Gutheim, by City Bank Farmers Trust Company, 22 William Street, New York, New York, including particularly but not limited to the sum of money on deposit with City Bank Farmers Trust Company, 22 William Street, New York, New York, in a Secretary's Checks account, evidenced by an outstanding Secretary's Check number T-249237, dated November 10, 1939, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 26, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-4499; Filed, May 18, 1948;
8:49 a. m.]

[Vesting Order 11155]

CHARLOTTE M. E. STADELMANN

In re: Debt owing to and bonds owned by Charlotte M. E. Stadelmann, also known as Charlotte M. E. Renner and as Charlotte M. E. Stadelman. F-28-5486-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte M. E. Stadelmann, also known as Charlotte M. E. Renner and as Charlotte M. E. Stadelman, whose last known address is Frankfurt a/y Beterstr. 5, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Four (4) United States Treasury 3% Bonds, in bearer form, each of the face value and bearing the numbers set forth below:

Face value:	No. of bond
\$5,000-----	15835
\$100-----	79708
\$100-----	79709
\$100-----	79710

and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with any and all rights thereunder and thereto,

b. Five (5) United States Treasury 2½% Bonds, in bearer form, each of the face value and bearing the numbers set forth below:

Face value:	No. of bond
\$5,000-----	25233
\$100-----	95591
\$100-----	95592
\$50-----	6478
\$50-----	10928

and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation owing to Charlotte M. E. Stadelmann, also known as Charlotte M. E. Renner and as Charlotte M. E. Stadelman, by City Bank Farmers Trust Company, 22 William Street, New York, New York, arising out of a custodian cash balance, maintained with the aforesaid company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or

otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 27, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-4500; Filed, May 18, 1948;
8:49 a. m.]

[Vesting Order 11164]

ADS

In re: Bank account and participation certificate owned by Ads. F-28-24843-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ads, the last known address of which is Burggrafenstr. 11, Berlin W 62, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation of Manufacturers Trust Company, 55 Broad Street, New York 15, New York, in the amount of \$311.06, as of December 31, 1945, arising out of an Unclaimed Distribution Account representing distributions on various dates from April 2, 1934 to April 1, 1936 by Trade Publications, Inc., c/o Manufacturers Trust Company, New York, New York, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. All rights in and under that certain Trade Publications, Inc. Participation Certificate issued by Manufacturers Trust Company, 55 Broad Street, New York 15, New York, as Depositary, said participation certificate numbered 4, of the face value of \$896.63, and registered in the name of Ads, Burggrafenstr. 11, Berlin W 62, Germany,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Ads, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-4501; Filed, May 18, 1948; 8:49 a. m.]

[Vesting Order 11230, Amdt.]

ERNST PÖHLER

In re: Patent and interest in an agreement with Ernst Pöhler, also known as Ernest Pöhler.

Vesting Order 11230, dated May 13, 1948, is hereby amended as follows and not otherwise: By substituting for the name Ernest Pöhler, wherever said name appears in the Vesting Order, the following: Ernst Pöhler, also known as Ernest Pöhler.

All other provisions of said Vesting Order 11230 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-4502; Filed, May 18, 1948; 8:49 a. m.]

FISCHEL MOKOTOFF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant; Claim No., Property and Location

Fischel Mokotoff, Miami, Florida; 1601; \$497.11 in the Treasury of the United States.

Executed at Washington, D. C., on May 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-4504; Filed, May 18, 1948; 8:50 a. m.]

[Return Order 117]

TAMIE NISHIMURA ET AL.

Having considered the claims set forth below and having issued a determination¹ allowing the claims which are incorporated by reference herein and filed herewith and notice of intention to return having been published on April 8, 1948 (13 F. R. 1925)

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Tamie Nishimura, 1601 1th Ave., Honolulu 31, T. H.	7003	899.67
Yacko Nishimura, 632 Akapa Lane, Honolulu, T. H.	7004	230.37
Sakae Naito, 1645 Palama St., Honolulu, T. H.	7005	324.89
Kosaku Nakamura, or Mrs. Kane Nakamura, Ewa, Oahu, T. H.	7006	434.45
Seichi Nakamura, Post Office Box 1018, Honolulu 8, T. H.	7007	1,737.23
Mitsuteru Okimura, 1272 D-I Hall St., Honolulu, T. H.	7008	27.74
Tokuhiro Okumoto, 131 Keolu St., Honolulu 23, T. H.	7009	78.91
Hidesuke Osumi (Hidesuke Osumi), 1493 South King St., Honolulu, T. H.	7010	61.43
Tsuneyo Otsuki, 3030 Uhu St., Honolulu, T. H.	7011	161.53
Matsu Oyama, trustee for Shosaku Oyama, Post Office Box 4, Waipahu, Oahu, T. H.	7012	13.05
Take Sadamoto, 625 Rotello Lane, Honolulu 51, T. H.	7013	20.79
Amigero Sakimoto, 1434 Auld Lane, Honolulu 7, Hawaii.	7014	109.15
Yasaburo Sato, 2332 Young St., Honolulu, T. H.	7015	129.09
Asako Sayegawa, 1677 Kinau St., Honolulu, T. H.	7016	490.60
Suzuchi Shibamura, 4144 Ahaka Pl., (Box 1377), Honolulu, T. H.	7017	8,033.67
Kansube Shimabukuro, or Shikichi Tama, 1167 River St., Honolulu, T. H.	7018	729.97
Koto Shiraama, 1725 Young St., Honolulu, T. H.	7019	23.74
Kiyono Suzuki or Toshiichi Suzuki, 1832 Makanae Lane, Honolulu, T. H.	7020	49.21
Seichi Tanaka, trustee for Akiko Takahashi, 630-A Rotello Lane, Honolulu, T. H.	7021	55.35
Kumetaro Takahashi, 634 Helekahana Lane, Honolulu, T. H.	7022	1,212.49
Shina Takashige, 3453 Campbell Ave., Honolulu 66, Hawaii.	7023	69.43
Yuichi Takashige or Shina Takashige, 3450 Campbell Ave., Honolulu 66, Hawaii.	7024	104.72
Shizuo Takashige, 3450 Campbell Ave., Honolulu 66, Hawaii.	7025	61.77
Toranoshin Takekura, guardian of Toshiro Takekura, 1430-E Lunalilo St., Honolulu, T. H.	7026	6.89
Toraku Takei, care of Kawachi Hotel, 237 North Kukui St., Honolulu, T. H.	7027	3,033.89
Katsuchi Tamura, Post Office Box 278, Waimanalo, Oahu, T. H.	7028	13.15
Kisaburo Teraoka, guardian of Kanayo Teraoka, 659 Keawe St., Honolulu 13, T. H.	7029	270.27
Kisaburo Teraoka, trustee for Sueno Teraoka, 659 Keawe St., Honolulu 13, T. H.	7030	232.61

¹ Filed as part of the original document.

Claimant	Claim No.	Property
Kisaburo Teraoka or Tadafuchi Teraoka, 659 Keawe St., Honolulu 13, T. H.	7031	\$124.34
Kameji Torikawa, trustee for Yukio Teraoka, 1325-B Kalani St., Honolulu, T. H.	7110	822.14
Tomige Tsuruda, a/k/a Tomie Tsuruda, 635-D Archer Lane, Honolulu, T. H.	7112	32.07
Toyoko Tsuruda, 635-D Archer Lane, Honolulu, T. H.	7113	160.09
Nitaro Tsurukawa, Box 334, Hakaluu, Napa, T. H.	7114	223.53
Tokoyo Tsuruda, guardian of Tamie Tsuruda, 635-D Archer Lane, Honolulu, T. H.	7115	6.53
Noboru Uyeno, 1453 Post St., Honolulu, T. H.	7121	639.42
Shinichi Waga, 602-A Kahuna Lane, Honolulu 23, T. H.	7122	103.83
Matsu Watanabe, 820 Lopez Lane, Honolulu, T. H.	7123	205.27
Mrs. Iro Yamano, Ewa, Oahu, T. H.	7124	157.52
Mrs. Hazel Kiyoko Yamano, formerly Kiyoko Fukuda, 942 Ahana Lane, Honolulu, T. H.	7125	429.51
Tomohiko Yochiko, 2409 South King St., Honolulu 35, T. H.	7126	200.15
Kazuko Yamano, 617 Lana Lane, Honolulu, T. H.	7131	12.04
Kazuko Yamano, guardian of Yochiko Yamano, 616 Cooke St., Honolulu, T. H.	7132	233.53
Kazuko Yamano, guardian of Saburo Yamano, 617 Lana Lane, Honolulu, T. H.	7133	220.04
Kazuko Yamano, guardian of Tokuro Yamano, 617 Lana Lane, Honolulu, T. H.	7134	457.91
U. Yamano, trustee for Mika Yamano, 2205 North King St., Honolulu 45, Hawaii.	7135	1,704.59
Teigob Yamachiro, 1429 Lana Pl., Honolulu, T. H.	7136	15.59
Ichinosuke Yamaguchi, 3214-B Noolulu St., Honolulu 49, T. H.	7139	603.82
Takafusa Yawata, guardian of Ritsuko Yawata, 444 McNeill St., Honolulu, T. H.	7141	73.71
Hatori Amano or Furumi Watanabe, 3161 East Manoa Rd., Honolulu, T. H.	7131	100.16
Kunishi Daitoku, 697 Coolidge St., Honolulu, T. H.	7133	19.85
Mrs. Junko Fukuda, guardian for Herbert Akikari Fukuda, 1144 Koko Head Ave., Honolulu, T. H.	7135	694.94
Toshiichi Miyamoto, 835 Paani St., Honolulu 27, T. H.	7144	71.83
Wataru Mizumoto, 1430-D Kivale St., Honolulu, T. H.	7146	154.60
Tatsu Nishimura or Takasuzuki Nishimura, 1501 6th Ave., Honolulu 31, Hawaii.	7150	8,377.32
Tami Nishimura, trustee for Gunki Nishimura, 1501 6th Ave., Honolulu 31, Hawaii.	7151	19.52
Mrs. Ichi Okasaki, 1216-B Decker Lane, Honolulu 18, T. H.	7153	842.60
Osaburo Sakaki, trustee for Kazuo Sakaki, 250 Auwahi Lane, Honolulu, T. H.	7156	9.75
S. Saganuma, guardian of Katsumi Saganuma, 1333 10th Ave., Honolulu, T. H.	7160	49.74
Mr. Yozo Saganuma, 1333 10th Ave., Honolulu, T. H.	7162	103.45
Zenshi Sanada, 1355 Coolidge Walk, Honolulu, T. H.	7164	1,102.05
Alto Takasugi, 27 South Vineyard St., Honolulu, T. H., or Kame Takasugi, Box 1721, Hilo, Hawaii.	7167	141.53
Junichi Tokafira, trustee for Richard Kiyochi Tokafira, Post Office Box 278, Waimanalo, Oahu, T. H.	7168	112.84
Mr. Gunki Tetsui, 856 24 St., Post Office Box 42, Pearl City, Oahu, T. H.	7169	151.60
Tokuza Uekawa or Iro Uekawa, 1435-A Pua Lane, Honolulu, T. H.	7172	670.47
Mume Yamamoto or Richard F. Yamamoto, 747-A 7th Ave., Honolulu 47, T. H.	7174	123.15

Executed at Washington, D. C., on May 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-4503; Filed, May 18, 1948; 8:50 a. m.]

